

**REMARKS**

Claim 1 has been amended to more clearly recite that the homopolymer or copolymer comprises a unit derived from at least one polymerizable compound having a perfluoroalkyl or perfluoroalkenyl group and an acrylate, methacrylate or  $\alpha$ -substituted acrylate group, and optionally a unit derived from another compound copolymerizable therewith. This is an art-recognized manner of defining the claimed homopolymer or copolymer, and there is no change in claim scope.

Claim 1 has been further amended to recite a weight ratio of the nonionic surfactants (a):(b):(c). Support is found at paragraph [0030]. Claim 8 has been amended to further define the claimed method. Support for amended Claim 8 can be found in paragraph [0034]. Claim 6 has been canceled. No new matter has been added. Upon entry of this Amendment, which is respectfully requested, Claims 1-5 and 7-8 will be pending.

**Response to Claim Rejections Under § 112**

Claims 6 and 8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 6 has been canceled. Thus, that portion of the § 112 rejection pertaining to Claim 6 has been rendered moot.

Claim 8 has been amended to further define the claimed method and to recite specific process steps.

It is respectfully submitted that the amended claims fully comply with 35 U.S.C. § 112, and withdrawal of the foregoing rejection is respectfully requested.

### **Response to Claim Rejections Under § 102**

Claims 1-8 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 2001-10703 to Oharu et al. Applicants respectfully traverse.

The present claims are directed to an aqueous water- and oil-repellent dispersion comprising:

(I) a homopolymer or copolymer comprising at least one polymerizable compound having a perfluoroalkyl or perfluoroalkenyl group and an acrylate, methacrylate or alpha-substituted acrylate group, or a copolymer comprising said polymerizable compound and another compound copolymerizable therewith, and (II) a surfactant comprising: (a) a nonionic surfactant having an HLB of less than 12, (b) a nonionic surfactant having an HLB of not less than 12 and less than 17, and (c) a nonionic surfactant having an HLB of not less than 17. Further, the weight ratio of the nonionic surfactant (a): the nonionic surfactant (b): the nonionic surfactant (c) is (20-40): (50-70): (10-20).

If the weight ratio of these three surfactants is outside of the presently claimed range, the storage stability and the dilution stability are poor. *See*, Comparative Examples 1-6 in Table 1 and page 24 of the specification.

In contrast, Oharu discloses in working Example 1, a water and oil repellent agent employing:

8.4 g of polyoxyethyleneoleyl ether (HLB: 16.2),  
4.8 g of the compound (c-3) (HLB: 4), and  
2.4 g of the compound (c-4) (HLB: 17).

Further, Example 1 of Oharu uses 2.4 g of a polypropylene oxide/polyethylene oxide block copolymer which is included in the nonionic surfactant. The molecular weight of the polypropylene oxide moiety is 2,000 and the average addition molar number of polyethylene

oxide in the polyoxyethylene moiety is 30. This polypropylene oxide/polyethylene oxide block copolymer has a HLB value of 7.95 calculated according to the Griffin method. Thus, Oharu discloses a composition wherein the amounts of the nonionic surfactants, (a), (b) and (c) are as follows:

<u>Surfactant</u>	<u>Amount</u>	<u>Wt %</u>
(a) (HLB: less than 12):	(4.8g) + (2.4g)	40%
(b) (HLB: 12 to less than 17):	8.4g	47%
(c) (HLB: at least 17):	2.4g	13%

Thus, Oharu discloses a composition wherein the amounts of the nonionic surfactants, (a), (b) and (c) are outside of the presently claimed weight ratios as recited in present Claim 1. As such, Oharu, particularly Example 1 of Oharu, cannot achieve the excellent storage stability and dilution stability of the present invention.

Accordingly, Oharu fails to anticipate or render obvious the present claims. Withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
Application No.: 10/579,217

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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